

Message Text

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ACTION L-03

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FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 8540

C O N F I D E N T I A L GENEVA 06156

PASS GEORGE H. ALDRICH, DEP LEGAL ADVISER FROM
DR. R.S. GRAYSON, INSTITUTE HENRY-DUNANT, 114 RUE DE
LAUSANNE, 1202 GENEVA.

E.O. 11652: GDS

TAGS: PFOR, PARM, ICRC

SUBJECT: HUMANITARIAN LAW

REF: GENEVA 6025

1. QTE SUBSEQUENT TO MY COMMUNICATION TO YOU OF 24 SEPTEMBER 1974,
TWO SITUATIONS HAVE DEVELOPED.

2. QTE THE FOLLOWING HAS BEEN PROPOSED BY ONE STATE AS AN
ADDITIONAL SENTENCE TO ARTICLE 1, PARA 2 AS ADOPTED IN COMMITTEE I:
"THESE NATIONAL LIBERATION MOVEMENTS MUST HAVE BEEN RECOGNIZED AS
SUCH BY REGIONAL INTERGOVERNMENTAL ORGANIZATIONS CONCERNED." THIS
PROPOSAL, WHICH IS NOT DISSIMILAR TO CDDH/I/42, HAS NOW BEEN
RECEIVED MORE FAVORABLY SINCE THE WORDING TO CDDH/I/71 HAS BEEN
UNALTERED AND, SOME BELIEVE, AN OBJECTIVE ELEMENT HAS BEEN ADDED.
LATIN AMERICAN GOVERNMENTS WOULD BE PLEASED.

3. QTE THE SECOND PROPOSITION, WHICH APPEARS TO BE ACCEPTED
WARMLY AS A BASIS FOR COMPROMISE BY A NUMBER OF GOVERNMENTS,
IS TO RETURN TO CDDH/I/II OR A NEW DRAFT PROPOSAL BASED UPON IT.
CDDH/I/II REMAINS AS SPONSORSHIP HAS NOT BEEN WITHDRAWN. IT
HAS BEEN EMPHASIZED THAT INITIATIVE FOR ACCEPTANCE OF CDDH/I/II
OR AN ALTERNATIVE TEXT MUST COME IN THE FIRST INSTANCE FROM A
STATE OR STATES WHICH OPPOSED CDDH/I/71. ASSISTANCE FOR
ACCEPTANCE OF THIS PROPOSAL COULD THEN COME FROM CERTAIN
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GOVERNMENTS WHICH VOTED IN FAVOR OF CDDH/I/71.

4. QTE MARTENS CLAUSE PROPOSAL AS INDICATED IN PREVIOUS COMMUNICATION, ALTHOUGH MET WITH MIXED ACCEPTANCE, IS TO A LARGE DEGREE ALREADY CONTAINED IN ARTICLE 1, PARA 4.

5. QTE REQUEST YOUR COMMENTS ON ABOVE. PERHAPS YOU MAY WISH TO SUBMIT A POSSIBLE DRAFT PROPOSAL BASED UPON ABOVE. UNQTE. ABRAMS

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